

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

ANTHONY TRUPIA,

Plaintiff,

v.

**HERITAGE HARD ASSETS LLC;
et al.,**

Defendants.

NO. CIV-24-498-J

**DEFENDANT HLV VENTURES LLC’S
MOTION TO STRIKE PLAINTIFF’S
“A SUPPLEMENTAL BRIEF TO PLAINTIFF’S OPPOSITION TO ALL
MOTIONS TO DISMISS” (DOC. 76)
AND BRIEF IN SUPPORT**

Defendant, HLV Ventures, LLC (“HLV”), respectfully moves the Court to strike Plaintiff’s “A Supplemental Brief to Plaintiff’s Opposition to All Motions to Dismiss” (Doc. 76) as an impermissible supplemental brief pursuant to LCvR7.1(h). In support of this Motion, HLV states as follows:

1. On May 22, 2024, HLV filed its Motion to Dismiss Plaintiff’s Complaint.
[Doc. 20.]

2. On May 28, 2024, Plaintiff attempted to file a response to the Motion to Dismiss, but improperly joined it with Motions to Remand and for Expedited Discovery.
[See Doc. 29.]

3. HLV timely replied in support of its Motion to Dismiss, and separately responded in opposition to the Motion to Remand and the Motion for Expedited Discovery, respectively. [See Docs. 33, 35, & 36.]

4. On June 14, 2024, the Court issued an Order striking Plaintiff's joint pleading for violating Local Civil Rule 7.1(c). [Doc. 39.] Doing so, the Court *sua sponte* granted Plaintiff a fourteen-day extension to file a response to HLV's Motion to Dismiss, until June 28, 2024, and set HLV's reply deadline as July 5, 2024.

5. On July 1, 2024, Plaintiff filed a pleading titled "Opposition to All Motions to Dismiss". [Doc. 61.] In the pleading, Plaintiff purported to argue collectively against "all motions to dismiss this complaint." [*Id.* at 1.]

6. On July 5, 2024, HLV replied in support of its Motion to Dismiss in the time allowed by the Court's Order. [Doc. 66.]

7. After HLV filed its reply, briefing was closed on its Motion to Dismiss. *See* LCvR7.1(h).

8. Plaintiff seemed to be confused regarding the status of briefing and requested an extension of time to reply to HLV's reply.¹ [Doc. 70.]

9. Defendant Telnix aptly responded to Plaintiff's request for time noting that briefing had closed on all the pleadings to which Plaintiff was attempting to reply and that supplemental briefing is not permitted without leave of Court. [Doc. 75.]

¹ With this filing, Plaintiff ignored the Court's specific admonishment from the June 14, 2024 Order [Doc. 40], having made no attempt to contact counsel for the various Defendants implicated by his request and failing to comply with LCvR6.3 (the Order references the prior numbering of the local rules, LCvR7.1(h)(4)).

10. Despite having received no leave of Court to do so, on July 22, 2024, Plaintiff filed a 28-page “Supplemental Brief” opposing all Motions to Dismiss. [Doc. 76.]

11. Pursuant to LCvR7.1(h), “Supplemental briefs may be filed only upon motion and leave of court.” Plaintiff received no leave of Court to supplement his multiple earlier pleadings.

Therefore, HLV respectfully requests this Court strike Plaintiff’s “A Supplemental Brief to Plaintiff’s Opposition to All Motions to Dismiss” (Doc. 76).

Dated: July 24, 2024

Respectfully submitted,

**HALL, ESTILL, HARDWICK, GABLE,
GOLDEN & NELSON, P.C.**

s/Aaron C. Tifft

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**ATTORNEYS FOR DEFENDANT,
HLV VENTURES, LLC**

CERTIFICATE OF SERVICE

I hereby certify that on July 24, 2024, I electronically transmitted the attached document to the Clerk of Court using the Electronic Case Filing System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to those registered participants on the ECF System.

I hereby further certify that on July 24, 2024, a true and correct copy of the foregoing document was served on the following via electronic mail and first class, U.S. Mail:

Anthony Trupia
605 SE 21st St.
Oklahoma City, OK 73129
trupiaar@gmail.com

PRO SE PLAINTIFF

s/ Aaron C. Tifft

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